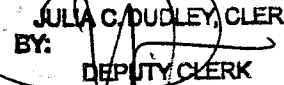


UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

APR 08 2014

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

STEPHEN T. HARPER, ADMINISTRATOR OF
THE ESTATE OF CARL LEWIS SMITH, Deceased,

Plaintiff,

v.

Civil Action No. 5:13cv00041-MFU

NELSON SMITH, III, et al.

Defendants.

ORDER APPROVING COMPROMISE SETTLEMENT

THIS MATTER came before the Court this day on the Petition by the Plaintiff for approval pursuant to Section 8.01-55 of the Code of Virginia, as amended, of a settlement in the amount of \$100,000.00 from Defendants, and for consideration of the distribution of settlement monies. Carl Lewis Smith, (the "Deceased") died on July 19, 2012.

Pursuant to §8.01-55 of the Code of Virginia, Stephen T. Harper, Administrator of the Estate of Carl Lewis Smith, and each of the beneficiaries of the Estate of Carl Lewis Smith, Phyllis Gage, Elmer Eugene Smith by and through his power of attorney Maretta Lee Smith Briggs, Karen Smith Montanelli, Michael John Smith, Steven Lee Smith, William James Andrews, Lisa Smith Miracle, and Maretta Lee Smith Briggs (Phyllis Gage and each of the other beneficiaries shall be referred to collectively as "Beneficiaries"), waive their right to convene for a formal hearing on this Petition.

Pursuant to §8.01-53(C) of the Code of Virginia, Elmer Eugene Smith by and through his power of attorney, Maretta Lee Smith Briggs, Karen Smith Montanelli, Michael John Smith, Steven Lee Smith, William James Andrews, Lisa Smith Miracle, and Maretta Lee Smith Briggs renounce their beneficial interests in favor of Phyllis Gage, the Deceased's mother.

THE COURT having considered all matters pertaining to this compromise, and being of the opinion that this compromise is in the best interests of the beneficiaries of the Deceased and that the requested relief should be granted, it is accordingly ORDERED that this compromise in the amount of \$100,000.00 from Defendants be and hereby is approved and that the \$100,000.00 settlement proceeds be disbursed by counsel for Plaintiff as follows:

Settlement Proceeds:	\$100,000.00
Karen Smith Montanelli for Funeral Expenses	-\$8,000.00
Litigation Expenses:	
Phelan Krudys Petty, PLC	-\$7,114.43
Attorneys Fees (33.33%):	
Phelan Krudys Petty, PLC	-\$22,222.22
Chanfrau & Chanfrau	<u>-\$11,111.11</u>
Balance to Phyllis Gage:	\$51,552.24

It is further ORDERED that the Defendants, its insurers, and their agents, predecessors, successors, assigns, officers, employees, representative and heirs, who might have liability to the Petition arising from the death of the Deceased or any of the allegations set forth in the pending complaint, are hereby released and discharged from any and all liability which has been, might have been, or could have been asserted against them by or on behalf of the Plaintiff.

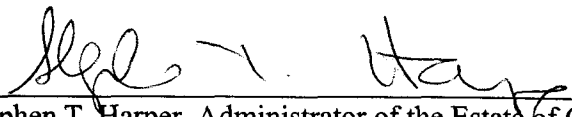
It is further ORDERED that this matter is dismissed with prejudice, and that the Clerk shall provide all counsel of record with an attested copy of this Order.

ENTER: 04 08 14

/s/ Michael F. Urbanicki

Judge

WE ASK FOR THIS:



Stephen T. Harper, Administrator of the Estate of Carl Lewis Smith, for the purpose of Civil
Litigation

Phyllis Bell Gage, Beneficiary of the Estate of Carl Lewis Smith

Elmer Eugene Smith, Beneficiary of the Estate of Carl Lewis Smith
by and through his daughter and POA, Marettta Lee Smith Briggs

Karen Smith Montanelli, Beneficiary of the Estate of Carl Lewis Smith

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Lisa Halbert, Beneficiary of the Estate of Carl Lewis Smith
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 Smith Miracle

Marettta Lee Smith Briggs, Beneficiary of the Estate of Carl Lewis Smith

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State of Florida / County of Volusia

The foregoing instrument was acknowledged before me
this 21 day of February, 20 14

by Phyllis Gage Personally known

OR produced identification X

Type of Identification produced Florida Drivers license

Elinor Jacobov (Notary Signature)

My Commission expires 8/22/2017

Phyllis Belle Gage

Phyllis Bell Gage, Beneficiary of the Estate of Carl Lewis Smith



Elinor Jacobov

Notary Public

State of Florida

My Commission Expires 08/22/2017

Commission No. FF 47653

Elmer Eugene Smith, Beneficiary of the Estate of Carl Lewis Smith
by and through his daughter and POA, Maretta Lee Smith Briggs

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Michael John Smith, Beneficiary of the Estate of Carl Lewis Smith

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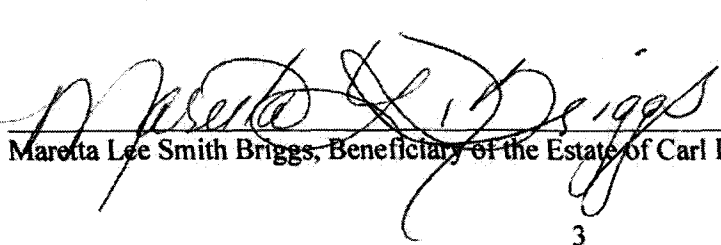
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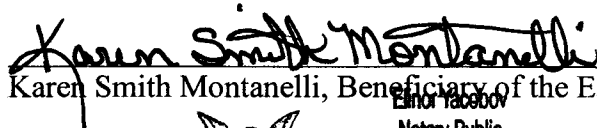
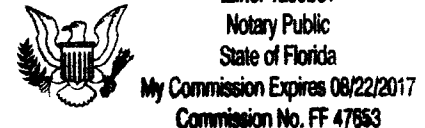
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by and through his daughter and POA, Maretta Lee Smith Briggs

State of Florida / County of Volusia
This foregoing instrument was acknowledged before me
this 21 day of February, 2014,
by Karen S. Montanelli, Personally known
OR produced identification X
Type of Identification produced Florida Driver's License
Elinor Jacob
(Notary Signature)
My Commission expires 8/22/2017


Karen Smith Montanelli, Beneficiary of the Estate of Carl Lewis Smith

Elinor Jacob
Notary Public
State of Florida
My Commission Expires 08/22/2017
Commission No. FF 47653

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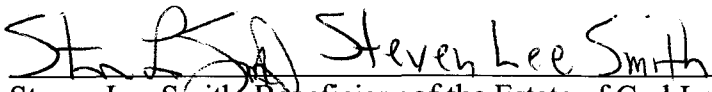
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A handwritten signature in black ink, appearing to read 'W. Andrews', written over a horizontal line.

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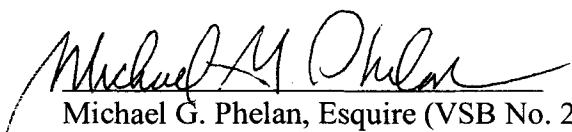
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Michael G. Phelan, Esquire (VSB No. 29725)

Phelan | Krudys | Petty PLC

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Richmond, Virginia 23230

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Fax: 804-767-4601

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Fairfax, Virginia 22030

Phone: (703) 691-3331

Fax: (703) 691-3332

Edward.Trivette@kpmlaw.com

Counsel for Defendants Nelson Smith, III and Navajo Express, Inc.